



C.M.A.No.3010 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2023

C O R A M

THE HON'BLE MR. JUSTICE **KRISHNAN RAMASAMY**

C.M.A.No.3010 of 2019
and C.M.P.No.16263 of 2019

M/s.United India Insurance Company Limited,
Divisional Office No.II,
No.104-A, Peramanur Main Road,
Salem – 636 007.

...Appellant

Vs

1.Rekha

2.M.Kannan

3.Jinna Pathina Pravinkumar

4.M/s.Shriram General Insurance Company Limited,
Sachin Plaza, Near RBS Bank,
Saradha College Main Road,
Alagapuram, Salem-16.

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 12.01.2018 made in M.C.O.P.No.

1/5



C.M.A.No.3010 of 2019

1311 of 2013 on the file of the Motor Accidents claims Tribunal, Special District Court, Salem.

For Appellant : Mr.M.B.Raghavan

For R1 to R4 : No Appearance

JUDGMENT

This Civil Miscellaneous Appeal has been filed against the judgment and decree dated 12.01.2018 made in M.C.O.P.No.1311 of 2013 on the file of the Motor Accidents claims Tribunal, Special District Court, Salem.

2.When the matter is taken up for hearing, learned counsel appearing for the appellant/Insurance Company would submit that the appellant has preferred two appeals in C.M.A.Nos.3010 & 3007 of 2019. C.M.A.No.3010 of 2019 has been filed challenging the liability fastened on the appellant for the injury sustained by the occupant of the car, which met with an accident on 03.09.2012 and C.M.A.No.3007 of 2019 has been filed challenging the liability fastened on the appellant for the death of the another occupant of the car which met with the same accident.



C.M.A.No.3010 of 2019

WEB COPY

3.Further, he would fairly submit that the liability fastened on the appellant/Insurance company and the compensation awarded by the Tribunal for the injured claimant in M.C.O.P.No.1311 of 2013 connected with C.M.A.No.3010 of 2019 may be confirmed and he seeks time to argue the another appeal in C.M.A.No. 3007 of 2019.

4. In view of the above submissions made by the learned counsel appearing for the appellant/Insurance Company, the Civil Miscellaneous Appeal No.3010 of 2019 is dismissed and the award, dated 12.01.2018 passed by the Tribunal is confirmed. The appellant/Insurance Company is directed to deposit the entire amount awarded by the Tribunal along with interest and cost, less the amount, already deposited, if any, within a period of four weeks from the date of receipt of copy of this judgement. On such deposit being made, the Tribunal is directed to transfer the award amount to the 1st respondent/claimant's by way of RTGS to his bank account directly, within a period of three weeks from the date of filing of withdrawal application by the 1st respondent. The 1st respondent is permitted to withdraw the entire award amount along with



C.M.A.No.3010 of 2019

interest. No costs. Consequently, the Civil Miscellaneous Petition is closed.

WEB COPY

07.07.2023

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

rst

To:

The Motor Accident Claims Tribunal,
Special District Court, Salem.



WEB COPY



C.M.A.No.3010 of 2019

KRISHNAN RAMASAMY,J.

rst

C.M.A.No.3010 of 2019
and C.M.P.No.16263 of 2019

07.07.2023